

Hastings (WA)	McCrery	Sabo
Hayes	McGovern	Sanchez
Hill (IN)	McHugh	Sandlin
Hilliard	McInnis	Sawyer
Hinchey	McIntyre	Saxton
Hinojosa	McKeon	Schakowsky
Hobson	Meehan	Scott
Hoefel	Meek (FL)	Shaw
Holden	Meeks (NY)	Shays
Holt	Menendez	Sherman
Hooley	Mica	Sherwood
Horn	Millender-	Shinkus
Houghton	McDonald	Shows
Hoyer	Miller (FL)	Simpson
Hunter	Miller, Gary	Sisisky
Hutchinson	Minge	Skeen
Hyde	Moakley	Skelton
Inslee	Mollohan	Smith (NJ)
Isakson	Moore	Smith (WA)
Jackson-Lee	Moran (VA)	Snyder
(TX)	Morella	Spence
Jefferson	Murtha	Spratt
Jenkins	Nadler	Stabenow
John	Napolitano	Stearns
Johnson (CT)	Neal	Stenholm
Johnson, E. B.	Nethercutt	Strickland
Jones (OH)	Northup	Stupak
Kanjorski	Nussle	Sweeney
Kaptur	Oberstar	Tanner
Kelly	Obey	Tauscher
Kennedy	Olver	Taylor (MS)
Kildee	Ortiz	Terry
Kilpatrick	Owens	Thomas
Kind (WI)	Oxley	Thompson (CA)
Kingston	Pallone	Thompson (MS)
Klink	Pascarella	Thornberry
Knollenberg	Pastor	Thurman
Kolbe	Payne	Tierney
LaFalce	Pelosi	Toomey
LaHood	Peterson (PA)	Trafficant
Lampson	Phelps	Turner
Lantos	Pickering	Udall (CO)
Larson	Pickett	Udall (NM)
Latham	Pomeroy	Velazquez
LaTourette	Porter	Vento
Lazio	Portman	Visclosky
Leach	Price (NC)	Walden
Levin	Pryce (OH)	Walsh
Lewis (CA)	Quinn	Waters
Lewis (KY)	Radanovich	Watt (NC)
Lipinski	Rahall	Watts (OK)
Lofgren	Rangel	Waxman
Lowey	Regula	Weiner
Lucas (KY)	Reyes	Weller
Luther	Reynolds	Wexler
Maloney (CT)	Riley	Weygand
Maloney (NY)	Rodriguez	Whitfield
Markey	Roemer	Wicker
Martinez	Rogers	Wilson
Mascara	Rothman	Wise
Matsui	Roukema	Wolf
McCarthy (MO)	Roybal-Allard	Woolsey
McCarthy (NY)	Rush	Wu
McCollum	Ryun (KS)	Young (FL)

NOT VOTING—16

Bereuter	Green (TX)	Packard
Berman	Greenwood	Slaughter
Bliley	King (NY)	Tiahrt
Brown (CA)	Kuykendall	Wynn
Cooksey	Lewis (GA)	
Cox	McNulty	

□ 1903

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BERMAN. Mr. Chairman, I was unable to cast a vote on the Istook amendment to H.R. 1664 due to a family emergency. However, had I been present I would have voted "no."

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LAHOOD) assumed the Chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr.

Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

KOSOVO AND SOUTHWEST ASIA EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999

The Committee resumed its sitting.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Farr of California:

At the end of the bill (before the short title), insert the following new section:

SEC. . (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to enter into agreements to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Air Force CT-43 aircraft on April 3, 1996, near Dubrovnik, Croatia.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) SOURCE OF PAYMENTS.—Amounts appropriated or otherwise made available for the Department of the Air Force for operation and maintenance for fiscal year 1999 or other unexpended balances for prior years shall be available for payments under subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed \$2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

Mr. FARR of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

(Mr. FARR asked and was given permission to revise and extend his remarks.)

Mr. FARR. Mr. Chairman, I respect the gentleman's right, the right to object, but this bill that we are dealing

with, the underlying bill, is a spending bill, an emergency spending bill, and we have a legal emergency that has to be taken care of. They are the families of our constituents who were killed on a United States mission on a United States aircraft while approaching Dubrovnik Airport.

The families of the Ron Brown Trade Mission have no place to turn. They cannot use tort law as a remedy, they cannot use the Foreign Claims Act as a remedy, they cannot have any other redress because they were flying on a military aircraft. The Senate has used this supplemental bill on their side to pay for the families affected by the gondola accident at Cavalese, Italy. If the Senate can help the families who lost their loved ones in an accident caused by an U.S. Marine Corps aircraft, then the families of the Ron Brown crash should also have remedy.

Mr. Chairman, the only way they can have remedy is for this Congress to authorize the Department of Defense to help those families, and that is what this amendment does.

Mr. Chairman, I introduced this amendment for a very simple reason: justice.

The bill in an "emergency appropriation." We have legal problem that can only be solved by Congress. I think that qualifies as an "emergency."

The problem is that all the families of the civilians who lost their lives on a U.S. Air Force plane on the mountain side while approaching the Dubrovnik airport in foul weather, have no legal place to turn.

They can't use tort law nor the foreign claims act nor other redress—nor does the military have the authority to help the families.

The crash occurred on a "military aircraft" that was not properly equipped with standard navigational and safety equipment.

Flight protocols had been violated!

The Dubrovnik airport map was incorrectly drawn!

If any of these factors had changed, the 35 people aboard flight CT-43 would not have died.

The Air Force's own Accident Investigation Board Report plainly states: (quote) "the CT-43 accident was caused by a failure of command, aircrew error, and an improperly designed instrument approach procedure." (Unquote)

Since the crash, the families have been dismissed by the U.S. Government because the government generally lacks the authority to give restitution for the families' loss.

This amendment fixes that. It gives the DOD the authority to enter into settlements with the families who had victims on CT-43 if the DOD finds their claims worthwhile.

This House should also note that the in Senate version of the supplemental bill is language very similar to mine. In the Senate bill money is set aside to pay the families affected by the Calavese gondola accident. It seems to me that if we can consider giving Europeans families who lost loved ones in the gondola accident—caused by a U.S. Marine Corps flyer—restitution for their pain, then we can give equal consideration to American families similar treatment.

Mr. Chairman, I include the following for the RECORD: